

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

Mitchell Dzik,

Plaintiff,

v.

Johnson, *et al.*,

Defendants.

Case No. 2:22-cv-01982-GMN-EJY

ORDER

I. DISCUSSION

On November 29, 2022, Plaintiff filed a Civil Rights Complaint under 42 U.S.C. § 1983 together with a Motion for Injunctive Relief and a Motion to Compel. ECF Nos. 1-1, 1-2, 1-3. Plaintiff's submissions do not comply with the Court's Local Special Rule 1-2 governing inmate *in forma pauperis*.

Under 28 U.S.C. § 1915(a)(2) and LSR 1-2, an inmate seeking to commence a civil action in this Court may apply to proceed *in forma pauperis*, which allows the inmate to file the civil action without prepaying the \$402 filing fee. To apply for *in forma pauperis* status, the inmate must submit **all three** of the following documents to the Court:

(1) a completed **Application to Proceed in Forma Pauperis for Inmate**, on this Court's approved form (i.e. pages 1 through 3 with the inmate's two signatures on page 3),

(2) a **Financial Certificate** properly signed by both the inmate and a prison or jail official (i.e. page 4 of this Court's approved form), and

(3) a copy of the **inmate's prison or jail trust fund account statement for the previous six-month period**.

Plaintiff has not submitted an application to proceed *in forma pauperis* or paid the required filing fee.

II. ORDER

IT IS HEREBY ORDERED that Plaintiff's Motion to Compel (ECF No. 1-3) is DENIED without prejudice.

1 IT IS FURTHER ORDERED that on or before **January 3, 2023**, Plaintiff must either pay
2 the \$402 filing fee for a civil action or file with the Court: (1) a complete **Application to Proceed in**
3 **Forma Pauperis for Inmate** on the Court's approved form; (2) a **Financial Certificate** properly
4 signed by both the inmate and a prison or jail official; and (3) a copy of the **inmate's prison or jail**
5 **trust fund account statement for the previous six-month period**.

6 IT IS FURTHER ORDERED that the Clerk of the Court must send Plaintiff the approved
7 form application to proceed *in forma pauperis* for inmates along with the information and instructions
8 for filing the same.

9 IT IS FURTHER ORDERED that failure to either pay the \$402 filing fee or file a complete
10 application to proceed *in forma pauperis* on or before **January 3, 2023**, will result in a
11 recommendation to dismiss this action **without prejudice**. A dismissal without prejudice allows
12 Plaintiff to file his case with the Court, under a new case number, when he is able to comply with
13 LSR 2-1 and file a complete IFP application or pay the required filing fee.

14 IT IS FURTHER ORDERED that the Court will retain Plaintiff's Complaint (ECF No. 1-1),
15 but will not file it at this time.

16 DATED this 2nd day of December, 2022.

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18 ELAYNA J. YOUCHAK
19 UNITED STATES MAGISTRATE JUDGE
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